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Attorneys for Plaintiff JENS ERIK SORENSEN,  
as Trustee of SORENSEN RESEARCH AND  
DEVELOPMENT TRUST

UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF CALIFORNIA

JENS ERIK SORENSEN, as Trustee of  
SORENSEN RESEARCH AND  
DEVELOPMENT TRUST,

Plaintiff

v.

SENCO PRODUCTS, INC., an Ohio  
corporation; and DOES 1 – 100,

Defendants.

) Case No. 08cv00071 BTM CAB

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)

) **PLAINTIFF'S NOTICE OF MOTION AND**  
) **MOTION TO MODIFY PATENT LOCAL**  
) **RULES SCHEDULE TO ACCELERATE**  
) **IDENTIFICATION OF CLAIMED**  
) **INVALIDATING PRIOR ART**

) Date: May 23, 2008

) Time: 11:00 a.m.

) Hon. Barry T. Moskowitz

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) **NO ORAL ARGUMENTS UNLESS**  
) **ORDERED BY THE COURT**

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1 TO ALL PARTIES HEREIN AND THEIR ATTORNEYS OF RECORD:

2 NOTICE IS HEREBY GIVEN that on the date and time listed above, or as  
3 soon thereafter as the matter may be heard, before the Honorable Barry Ted  
4 Moskowitz, Plaintiff JENS E. SORENSEN, as TRUSTEE OF THE SORENSEN  
5 RESEARCH AND DEVELOPMENT TRUST, hereby moves the Court to modify  
6 patent local rules schedule to accelerate identification of claimed invalidating prior  
7 art. The motion is based on the following grounds:

8 1. The stays pending PTO reexamination of the subject '184 patent have  
9 been based on the expectation that the Court is shifting the patent validity issue to  
10 the PTO so that all prior art presented to the Court will have been first considered by  
11 the PTO.

12 2. The Court's expectation cannot be met if the other defendants asserting  
13 invalidity of the '184 patent due to invalidating prior art do not identify that prior art  
14 in time for it to be considered by the PTO during the pending reexaminations.

15 This motion is based upon this Notice, and the concurrently filed documents in  
16 support thereof: Memorandum of Points and Authorities; and Declaration of Melody  
17 Kramer.

18 RESPECTFULLY SUBMITTED this 27th day of March, 2008.  
19

20 JENS ERIK SORENSEN, as Trustee of  
21 SORENSEN RESEARCH AND DEVELOPMENT  
22 TRUST, Plaintiff

23 /s/ Melody A. Kramer

24 Melody A. Kramer, Esq.  
25 J. Michael Kaler, Esq.  
26 Attorneys for Plaintiff  
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**PROOF OF SERVICE**

I, Melody A. Kramer, declare: I am and was at the time of this service working within in the County of San Diego, California. I am over the age of 18 year and not a party to the within action. My business address is the Kramer Law Office, Inc., 9930 Mesa Rim Road, Suite 1600, San Diego, California, 92121.

On Thursday, March 27, 2008, I served the following documents:

**PLAINTIFF'S NOTICE OF MOTION AND MOTION TO MODIFY PATENT LOCAL  
RULES SCHEDULE TO ACCELERATE IDENTIFICATION OF CLAIMED  
INVALIDATING PRIOR ART**

**MEMORANDUM OF POINTS & AUTHORITIES IN SUPPORT OF PLAINTIFF'S  
MOTION TO MODIFY PATENT LOCAL RULES SCHEDULE TO ACCELERATE  
IDENTIFICATION OF CLAIMED INVALIDATING PRIOR ART**

**DECLARATION OF MELODY A. KRAMER IN SUPPORT OF PLAINTIFF'S MOTION  
TO MODIFY PATENT LOCAL RULES SCHEDULE TO ACCELERATE  
IDENTIFICATION OF CLAIMED INVALIDATING PRIOR ART**

<b>PERSON(S) SERVED</b>	<b>PARTY(IES) SERVED</b>	<b>METHOD OF SERVICE</b>
Roger G. Perkins, Esq <a href="mailto:rperkins@mpplaw.com">rperkins@mpplaw.com</a> MORRIS POLICH & PURDY LLP 501 West Broadway, Suite 500 San Diego, California 92101	Senco Products, Inc.	Email - Pleadings Filed with the Court via ECF
Angela Kim <a href="mailto:akim@mpplaw.com">akim@mpplaw.com</a> MORRIS POLICH & PURDY LLP 501 West Broadway, Suite 500 San Diego, California 92101	Senco Products, Inc.	Email - Pleadings Filed with the Court via ECF

☐ (Personal Service) I caused to be personally served in a sealed envelope hand-delivered to the office of counsel during regular business hours.

☐ (Federal Express) I deposited or caused to be deposited today with Federal Express in a sealed envelope containing a true copy of the foregoing documents with fees fully prepaid addressed to the above noted addressee for overnight delivery.

1  
2 ☐ (Facsimile) I caused a true copy of the foregoing documents to be transmitted by  
3 facsimile machine to the above noted addressees. The facsimile transmissions were  
reported as complete and without error.

4 ☐ (Email) I emailed a true copy of the foregoing documents to an email address  
5 represented to be the correct email address for the above noted addressee.

6 ☒ (Email--Pleadings Filed with the Court) Pursuant to Local Rules, I electronically filed  
7 this document via the CM/ECF system for the United States District Court for the  
Southern District of California.

8 ☐ (U.S. Mail) I mailed a true copy of the foregoing documents to a mail address  
9 represented to be the correct mail address for the above noted addressee.

10 I declare that the foregoing is true and correct, and that this declaration was executed on  
11 Thursday, March 27, 2008, in San Diego, California.

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13 /s./ Melody A. Kramer

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Melody A. Kramer  
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